REMARKS/ARGUMENTS

Claims 1-35, and 54-60 are pending. Claims 5, 12, and 13 have been withdrawn from consideration as directed to unelected species of the invention. It is Applicants' understanding that if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species (including those claimed in claims 5, 12, and 13) until it includes the full scope of the generic claims.

Amendments to the Claims

Claims 1 are 2 are amended in order to comply with the election of the Group XII invention. Applicants reserve the right to prosecute the claims of non-elected groups in future continuing or divisional applications.

Rejections under 35 U.S.C. § 103

Claims 1-4, 6-11, 14-35 and 54-60 have been rejected under 35 U.S.C. § 103 as being obvious in view of Unger et al WO 96/40285 (WO '285) in view of Ruoslahti et al., U.S. Patent No. 5,536,814 ('814 patent) and Siegel et al., U.S. Patent No. 6,086,573 ('573 patent). It is asserted in the action that WO '285 teaches a subgenus of compounds that encompass compounds of the present invention. The action acknowledges that WO '285 does not teach the use of CRGDC as the targeting agent, PEG-3400 as the hydrophilic polymer, and urokinase as the bioactive agent. The '814 patent is cited to show that CRGDC is a cyclic peptide and a suitable targeting agent and the '573 patent is cited show that the combination of a thrombolytic agent with a gaseous ultrasound contrast agent can enhance the thrombolytic effects of a thrombolytic agent. Applicants respectfully traverse the rejection,

and respectfully submit that the compounds defined in the present claims are neither disclosed nor suggested in the broad or specific teachings of WO '285.

The Claimed Invention

Independent Claim 1 in the present application defines targeted compounds which necessarily contain two fatty acid amide groups linked directly or through an intervening alkylene group to a tertiary carbon atom.[1] As will be apparent from the discussion which follows, these "di-fatty acid amide compounds" represent a particular class of compounds that are neither disclosed nor suggested in the cited prior art.

Discussion of the Cited Art

The teachings in WO '285, as set forth in Claim 136 and the description at page 82, line 7 *et seq*, represent a broad disclosure of a potentially vast genus of compounds. It is respectfully submitted that there is nothing in WO '285 which would suggest to the skilled artisan the desirability of selecting the present combination of substituents, *i.e.*, the selection of $-X_4-C(=X_5)-$ for "X_1", $-NR_4-$ for "X_4", $-R_5-C(=X_5)-X_4-$ or $-C(=X_5)-X_4-R_5-$ for 'X_2", a direct bond for "R_5", and $-R_5-C(=X_5)-X_4-$ for "M", from among the wide variety of disclosed substituents in WO '285, in an effort to provide Applicants' defined di-fatty acid amide compounds.

In addition to disclosing a genus encompassing an enormous number of compounds, WO '285 discloses numerous specific targeted compounds (*see, e.g.*, Examples 1 to 5, 13, 14, 44, 45, 47 to 52, 56 and 57 in WO '285). The vast majority of these specifically disclosed compounds include tertiary carbon atoms which are substituted with chemical groups other

1 The fatty acid amide groups in the compounds of formula IV are represented by the groups R^1R^2N- and R^4R^5N, where R^1 and R^4 are acyl groups of about 7 to about 23 carbons.

than amide groups. Indeed, none of these specifically disclosed compounds are di-fatty acid amide compounds, as defined in Applicants' claims. It is submitted respectfully that these compounds can in no way render obvious applicants' defined di-fatty acid amide compounds.

The deficiencies in the rejection are not aided by combination with the secondary references, as the '814 and '573 patents are cited merely to demonstrate respectively that CRGDC is a targeting agent and that a thrombolytic agent can enhance thrombolytic effects of a thrombolytic agent. These references contain nothing that would lead one of skill in the art to select the compounds recited in Applicants' claims.

Thus, Applicants respectfully submit that no reference has been cited which teaches or fairly suggests to one of ordinary skill in the art the subject matter of the present claims. No reference has been cited which discloses or suggests the desirability of modifying the specific compounds described in WO '285 in such a way to arrive at Applicants' compounds, nor is there anything in WO '285 to lead one of ordinary skill in the art to select the presently claimed compounds from amongst the vast number of compounds generically described in that reference. Applicants respectfully submit that the law is clear that in the absence of such a reference, there is inadequate support for an assertion by the Patent Office that the present claims are obvious. Accordingly, Applicants respectfully submit that the rejection of the claims under 35 U.S.C. § 103 be withdrawn.

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favourable reconsideration of the rejections and an allowance of the claims is respectfully requested.

Respectfully submitted,

Date: October 2, 2003

Leslie E. Aberman
Registration No. 54,836

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439